

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALARM DETECTION SYSTEMS, INC.,

Plaintiff,

v.

ORLAND FIRE PROTECTION DISTRICT;
TYCO INTEGRATED SECURITY, LLC; and
DUPAGE PUBLIC SAFETY
COMMUNICATIONS,

Defendants.

No. 14 C 876

Judge Thomas M. Durkin

MEMORANDUM OPINION AND ORDER

Prevailing parties Tyco, Orland, and Du-Comm have filed bills of costs. R. 510; R. 520; R. 529. Alarm Detection opposes the requests in part. R. 534.

I. Deposition Transcript Copies

Northern District Local Rule 54.1 limits the per-page cost for deposition transcript originals at \$3.65 and copies at \$0.90. Courts interpret this rule to mean that *each* party may tax costs for one copy of a transcript at \$3.65 per page, and costs for a second copy at \$0.90 per page. *See Haroco, Inc. v. Am. Nat. Bank & Tr. Co. of Chi.*, 38 F.3d 1429, 1441 (7th Cir. 1994) (“We note that the bank was awarded costs for only one set of transcripts. . . . Therefore we find that the district court did not abuse its discretion in finding that the bank obtained original transcripts and awarding costs at the original transcript rate.”); *see also Williams v. Schwarz*, 2018 WL 4705558, at *2 (N.D. Ill. Oct. 1, 2018) (“It appears from the record before the Court that the transcripts for the three depositions in question ‘were the only

transcripts provided to [Plaintiff], and therefore are more properly understood as original transcripts within the meaning of Local Rule 54.1.” (quoting *Pezl v. Amore Mio, Inc.*, 2015 WL 2375381, at *2 (N.D. Ill. May 13, 2015)); *Temple v. City of Chicago*, 2016 WL 8669630, at *3 (N.D. Ill. July 1, 2016) (“If a deposition transcript is the only set the prevailing party received for the deponent, then the transcript is considered an original and may be taxed at the original transcript rate.”).

Alarm Detection argues that Tyco, Orland, and Du-Comm seek costs for copies that exceed the \$0.90 per-page limit. But the invoices supporting the bills of costs indicate that the parties received only one copy each. This is considered an original under Rule 54.1, and per-page costs less than the \$3.65 limit are reasonable. The Court will not decrease Defendants’ requests for the costs of deposition transcripts.

II. Orland and Du-Comm

Alarm Detection does not challenge any other costs sought by Orland and Du-Comm. Therefore, their bills of costs will be granted in full.

III. Tyco

Tyco concedes that its costs for deposition transcript rough drafts, court reporter attendance fees, and expert fees should be reduced by the amounts indicated in Alarm Detection’s brief. *See* R. 535 at 1. Therefore, Tyco’s bill will be reduced by \$536.25, \$607.00, and \$31,833.60, respectively.

Tyco opposes Alarm Detection’s argument for reduction of fees for expedited transcripts and video depositions. In its reply brief, Tyco explains that expedited transcripts were required because in each case the Court had orally ordered action within seven days or less. *See* R. 535 at 2. The Court finds these costs to be reasonable.

See Halo Creative & Design Ltd. v. Comptoir Des Indes Inc., 2018 WL 4742066, at *10 (N.D. Ill. Oct. 2, 2018) (“[M]otions in limine were due only days after the scheduled depositions and the real time/rough transcripts and expedited delivery were necessary to prepare the motions.”); *Sullivan v. F.E. Moran, Inc.*, 2018 WL 4515999, at *3 (N.D. Ill. June 25, 2018) (“In light of the firm fact discovery deadline, and the motion practice that immediately followed Sullivan’s deposition, this Court would agree that the expedited costs of the transcript were reasonably necessary and should be allowed.”).

Alarm Detection also argues that video recordings of depositions were not necessary. Deposition video recordings costs may be taxed under 18 U.S.C. § 1920 if they are reasonable and necessary. *See Little v. Mitsubishi Motors N. Am., Inc.*, 514 F.3d 699, 701-02 (7th Cir. 2008). Some courts have found such costs reasonable and necessary merely because a witness is on a party’s “will call” or “may call” trial witness list. *See The Medicines Co. v. Mylan Inc.*, 2017 WL 4882379, at *5 (N.D. Ill. Oct. 30, 2017) (St. Eve, J.); *LG Elecs. U.S.A., Inc. v. Whirlpool Corp.*, 2011 WL 5008425, at *3 (N.D. Ill. Oct. 20, 2011) (St. Eve, J.). Other courts have found it unnecessary to video record depositions of witnesses who are within the court’s subpoena power, and have denied such costs on that basis. *See Cascades Computer Innovation, LLC v. Samsung Elecs. Co.*, 2016 WL 612792, at *4 (N.D. Ill. Feb. 16, 2016); *Intercontinental Great Brands LLC v. Kellogg N.A.*, 2016 WL 316865, at *2 (N.D. Ill. Jan. 26, 2016) (Kennelly, J.); *Merix Pharm. Corp. v. Clinical Supplies Mgmt., Inc.*, 106 F. Supp. 3d 927, 943 (N.D. Ill. 2015) (Kennelly, J.); *Chi. Bd. Options Exch., Inc. v. Int’l Sec. Exch., LLC*, 2014 WL 125937, at *4 (N.D. Ill. Jan. 14, 2014)

(Lefkow, J.) (“Given that, as [the plaintiff] asserts, these witnesses were outside of the court’s subpoena power and [the defendant] did not plan to call them in person at trial, the court finds that [the plaintiff] established that it was reasonable and necessary to videotape these depositions and thus to recover costs for so doing.”). The Court finds that the better standard for determining reasonableness and necessity is the reach of the Court’s subpoena power. Tyco does not assert that any of the witnesses in question could not be reached with subpoena. Indeed, some of the witnesses actually testified live at trial and the recordings were used merely during opening statements. Tyco has not demonstrated that these costs were reasonably necessary, so the Court will subtract \$5,442.68 in costs for deposition video recordings from the total.

Conclusion

For the foregoing reasons, the Court taxes costs against Alarm Detection in the following amounts:

\$59,261.00 owed to Tyco;

\$17,960.29 owed to Orland; and

\$2,204.70 owed to Du-Comm.

ENTERED:



Honorable Thomas M. Durkin
United States District Judge

Dated: August 8, 2019